THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.5511 of 2002

Dated: 03.08.2006

Between
K.Narasimha Rao

…..Petitioner

and

1. The Andhra Pradesh Cooperative Housing Society Federation Limited, rep., by its Regional Manager/Joint Registrar and another

….Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.5511 of 2002

ORDER:

This writ petition is filed seeking to declare the action of the 1st respondent in issuing Public Auction Notice in Form No.9 under Rule 52 (11) (e) of the A.P.Co-operative Societies Rules, 1964 in E.P.No.115/99/2000/RM/VJA proposing to conduct a public action on 28.03.2002 at 11.00 A.M in respect of land admeasuring to an extent of Ac.0.04 cents in R.S.No.89/6, situated at Gaddeda village as arbitrary and illegal.

It seems that the petitioner, who is the member of the 2nd respondent society, had taken housing loan and failed to repay the same. Therefore, the proceedings under the AP Co-operative Societies Act were initiated and thereafter on issuance of a certificate under Section 71 of the Co-operative Societies Act dated 22.12.1999, the impugned auction notice was published. Aggrieved by the same, the present writ petiton has been preferred.

At the time of admission of the writ petition, interim stay was granted subject to condition that the petitioner deposits an amount of Rs.10,000/- within a period of three weeks from the date of receipt of a copy of said order. However, the said amount was not deposited and therefore, a vacate stay petition was filed.

On filing the vacate stay petition, the stay granted on 27.3.2002 was vacated. Thus, practically nothing remains in the writ petition to be decided insofar as the auction is concerned. Therefore, the writ petition has become infructuous.

Writ petition is dismissed as infructuous. However, the petitioner is at liberty to work out any remedies that are available under the Cooperative Societies Act. No costs.

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3.8.2006

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